

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

ALEXANDER PLADOTT)
Plaintiff,)
)
v.) CIVIL ACTION
) NO. 05- 10356-RWZ
LARRY EWERS, et al.,)
Defendants.)

**DEFENDANTS'S MOTION TO EXTEND TIME TO FILE
OPPOSITION TO PLAINTIFF'S MOTION TO PRECLUDE ENTRY OF JUDGMENT
IN C.A. NO. 04-10024-RWZ BASED ON MISREPRESENTATION
BY DEFENDANT LARRY EWERS**

Defendant Larry Ewers ("Ewers") requests an extension of time to and including Friday, October 7, 2005, to oppose Plaintiff's Motion to Preclude Entry of Judgment in C.A. No. 04-10024-RWZ ("Ewers Litigation") Based on Misrepresentation by Defendant Larry Ewers. As grounds for his motion, Defendant states:

1. Plaintiff's Motion alleges certain misrepresentations by Ewers concerning, among other things, whether Christopher Patrick Heron ("Heron") was served in the U.K. with the Complaint and Summons instituting the Ewers Litigation. Ewers requires additional time to complete what amounts to discovery in the U.K. on this crucial factual dispute.
2. In an email dated April 19, 2004, Mark Parfitt ("Parfitt"), a U.K. private investigator who served Heron with process in connection with the Ewers Litigation, informed Ewers that the Central London County Court ("CLCC") stamped the Certificate of Service for the documents served on Heron and retained a copy of those documents. A true copy of Parfitt's April 19, 2004 email is attached hereto as Exhibit A. A true copy of the Certificate of Service, stamped "07 APR 2004, A/C No. 24206", is attached hereto as Exhibit B.

3. Once counsel for Ewers learned that a copy of the documents served on Heron were stamped by, and filed with, the CLCC, counsel for Ewers attempted to contact the CLCC on at least four (4) occasions by telephone and by facsimile to obtain a copy of those documents, but was unsuccessful.

4. On September 14, 2005, counsel for Ewers employed the International Department of CT Corporation System, a legal services company, to contact the CLCC to obtain a copy of the documents served on Heron. The CLCC informed CT Corporation System that it was unable to locate those documents because the CLCC was not able to search their records using the information from the stamp on the Certificate of Service.

5. On September 15, 2005, counsel for Ewers employed Wragge & Co., a U.K. solicitors office, to obtain a copy of the documents served on Heron from the CLCC. Wragge & Co. also was unsuccessful, for the same reason as CT Corporation System.

6. On September 16, 2005, counsel for Ewers contacted Parfitt to discuss the details of the filing with the CLCC of documents served on Heron. Parfitt informed counsel for Ewers that he was on vacation in Italy, did not have access to his files, and would not return to his office in the U.K. until September 26, 2005.

3. The information counsel for Ewers expects to obtain from Parfitt will assist counsel for Ewers to obtain documents from the CLCC that would resolve a key factual dispute raised in Plaintiff's motion, namely, whether Heron was served with the Complaint and Summons instituting the Ewers Litigation.

4. Plaintiff would suffer no prejudice if the deadline for Defendant's opposition were extended to and including Friday, October 7, 2005 to allow Ewers to contact Parfitt once he

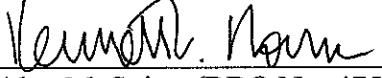
returns to his office in the U.K. and secure from the CLCC a copy of the documents that were served on Heron in the U.K.

5. Additionally, where Plaintiff has alleged a misrepresentation concerning which documents were served on Heron in the U.K., the interests of justice are best served by allowing Ewers to and including Friday, October 7, 2005 to contact Parfitt once he returns to the U.K. and obtain a copy of the exact documents that were served on Heron from the CLCC.

WHEREFORE, Defendant requests an additional extension of time, to and including Friday, October 7, 2005, to oppose the Motion.

LARRY EWERS

By his attorneys,

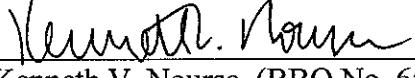


Alan M. Spiro (BBO No. 475650)
Kenneth V. Nourse (BBO No. 655781)
EDWARDS & ANGELL, LLP
101 Federal Street
Boston, Massachusetts 02110
(617) 439-4444

Dated: September 19, 2005

CERTIFICATE OF SERVICE

I, Kenneth V. Nourse, hereby certify that on September 19, 2005, I served a true copy of the above document by electronic filing on counsel of record for Plaintiff Alexander Pladott.



Kenneth V. Nourse (BBO No. 655781)

A

lewers@stx.rr.com

From: <specialistpi@fsmail.net>
To: <lewers@stx.rr.com>
Sent: Monday, April 19, 2004 12:18 PM
Subject: Re: Wire

Dear Mr. Ewers,

I spoke earlier with Alex Pladott and wished to clarify a couple of points re. the service of papers on Christopher Patrick Heron. The Certificate of Service was stamped by the clerk at the Central London County Court, 13-14 Park Crescent, London, W1. They retained a copy of the papers that were served and will have a record of issuing the certificate of service. Their telephone number is +44 2079175000. The certificate of compliance with the Hague Convention was sworn in front of a solicitor, John Leonard, from Finers Stephens Innocent Solicitors authorised Commissioners of Oaths. They have the authority to witness sworn statements. They are based at 179 Great Portland Street, London, W1N 6LS, telephone +44 2073234000. I trust this clarifies matters.

Sincerely,

Mark Parfitt

Specialist Private Investigators

Message date : Apr 19 2004, 05:46 PM

From : lewers@stx.rr.com
To : specialistpi@fsmail.net
Copy to : Ss4re@aol.com
Subject : Wire
Mr. Parfitt:

Wire transfer was sent out today 4-19-04.

Thanking you for your service.

Sincerely,

Larry Ewers

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B

Certificate of Service

In the

Claim No.	02-10532 RWZ
Claimant	LARRY EWERS
Defendant	CHRISTOPHER PATRICK HERON

On the 7th APRIL 2004 (insert date)
 the (insert title or description of documents served)
 a copy of which is attached to this notice was served on (insert name of person served, including position i.e. partner, director if appropriate)

Tick as appropriate

by first class post by Document Exchange
 by delivering to or leaving by handing it to or leaving it with
 by fax machine (.....time sent)
(you may want to enclose a copy of the transmission sheet)
 by e-mail
 by other means (please specify) **BY HAND**

at (insert address where service effected,
 include fax or DK number or e-mail address)

21 DALE HOUSE
 BOUNDARY ROAD.
 LONDON
 ENGLAND.

being the defendant's:

residence registered office
 place of business other (please specify)

The date of service is therefore deemed to be 7th APRIL 2004 (insert date - see over for guidance)

I confirm that at the time of signing this Certificate the document has not been returned to me as undelivered.

Position or